

**CITY OF BRAZIL, INDIANA**

**ORDINANCE 31-2006**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AUTOMATIC  
CLEARING HOUSE (ACH) FOR THE PAYMENT OF CITY OF BRAZIL  
UTILITIES ACCOUNT PAYMENTS**

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**WHEREAS,** the Citizens of the City of Brazil, Indiana, have expressed a desire to make automatically payments to utility accounts; and

**WHEREAS,** Indiana Code 36-1-8-11 allows municipalities to accept electronic funds transfer or any other financial instrument authorized by the fiscal body for payment by enacting a local ordinance; and

**WHEREAS,** Indiana Code 36-1-8-11 allows for the collection of any fee equal to the amount of the charge from the person who uses the financial instrument; and

**WHEREAS,** the Brazil City Council desires to accommodate the lawful request of its citizens

**NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF BRAZIL, INDIANA**

**Section One: Authorization to accept ACH Payments at the authorization of the  
requesting utility customer in the conduct of monetary transactions**

- A. That the Clerk-Treasurer is authorized to establish accounts at, enter into agreements with, and pay fees to First Financial Bank Corporation; Brazil, Indiana (Home Office: Terre Haute, Indiana), for the purpose of enabling the City of Brazil Utilities to accept ACH Payments in the conduct of monetary transactions; and be it further
- B. ACH Payments may only be credit to the customers account on the eighth (8<sup>th</sup>) of each month. If the eighth (8<sup>th</sup>) day should fall on a Saturday or Sunday, the credit will be applied to the respective utility customer account on the following Monday; and be it further
- C. Utility Customers must complete and sign, in person, an Automatic Payment Withdrawal Contract and voided check (as prescribed in exhibit A of this Ordinance); and be it further
- D. In the event that said ACH Payment results in a non-sufficient fund transaction, a fifteen dollar (\$15) NSF fee will be applied to the account plus any and all penalties. If said ACH Payment results in three or more non-sufficient fund transactions within a twelve month calendar year, the utility customer shall loose

all privileges of the ACH Payment service offered by the City of Brazil Utilities; and be it further

- E. Utility Customers shall have the right to withdraw their request temporarily, not to exceed twice in a twelve month calendar year; however, this limitation shall not apply to customers who request to temporarily withdraw do to an erroneously large payment, and when the customer has or is expected to apply for an adjustment. Customer must complete and sign, in person, the necessary form as prescribed in Exhibit B of this Ordinance. All request must be completed at least one week prior to the scheduled said ACH payment, as described in Subsection B of this Ordinance; and be if further
- F. Utility Customers shall have the right to permanently withdraw their request by completion of the form as prescribed in Exhibit C of this Ordinance. All request must be completed at least one week prior to the scheduled said ACH Payment, as described in Subsection B of this Ordinance; and be if further
- G. The City of Brazil shall not be held liable for any charges incurred by the utility customer by their financial institution.
- H. That the user fee is established in the amount of \$0.25 per month per transaction, said fee to be collected and retained by the City of Brazil for each monetary transaction paid in part or in whole through the use of an ACH Payment.

## **Section Two: Repeal of Conflicting Ordinances**

All ordinances, or any parts thereof, previously enacted which are in conflict with this Ordinance are hereby specifically repealed.

## **Section Three: Time of Effect**


This ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, approved by the Mayor, and published as required by law.

ORDAINED AND ESTABLISHED this 14 day of Nov, 2006.



Thomas Arthur, Mayor of the City of Brazil,  
Indiana

ATTEST:

  
Tracy Webster, Clerk-Treasurer of the  
City of Brazil, Indiana

**MEMBERS OF THE COMMON COUNCIL**

AYES:

NAYS:

\_\_\_\_\_  
Martin Beasley

\_\_\_\_\_  
Martin Beasley

A. Ann Bradshaw  
A. Ann Bradshaw

\_\_\_\_\_  
A. Ann Bradshaw

Patricia Heffner  
Patricia Heffner

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Patricia Heffner

William Lovett  
William Lovett

\_\_\_\_\_  
William Lovett

James D. Sheese  
James Sheese

\_\_\_\_\_  
James Sheese

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and signature on this 14<sup>th</sup> day of NOVEMBER, 2006.

Tracy Webster  
Tracy Webster, Clerk-Treasurer of the  
City of Brazil

**APPROVED** and signed by me on the 14 day of Nov,  
20 06, at the hour of 12:43 o'clock P.m.

Thomas Arthur  
Thomas Arthur, Mayor of the City of  
Brazil, Indiana



## AUTOMATIC PAYMENT WITHDRAWAL CONTRACT (ACH Payments)

Account Number:

Customer Name  
(as listed on account):

Service Address:

I, \_\_\_\_\_ give the City of Brazil Utilities permission and authority to withdraw my monthly utility payment from the following bank account:

Bank Name:

Routing (ABA) Number:

Account Number:

I, \_\_\_\_\_ further understand

- The amount of my monthly utility payment will be as described on monthly statement sent via United State Postal Service on or before the first (1<sup>st</sup>) day of each month.
- The withdrawal from my bank account will occur on the eighth (8<sup>th</sup>) day of each month. I further understand, if the eighth (8<sup>th</sup>) day of the month falls on a Saturday or Sunday, the payment will be charged to my account on the following Monday.
- I may temporarily or permanently suspend the payment from my account with at least a one week notice and the prescribed form in Ordinance 31-2006.
- I further understand that I may only request at most two temporary suspensions of automatic payment within a twelve month calendar year. This restriction; however, does not apply to erroneous large payments do to an equipment failure and the customer is expected to apply for an adjustment with the City of Brazil Utilities.
- I further understand there is a \$0.25 per month charge to use this service, and the ACH Payment service is optional and not required by the City of Brazil Utilities.
- The City of Brazil shall not be held liable for any charges or fees incurred by the utility customer's financial institution.
- Finally, I understand, in the event the ACH payment results in a non-sufficient fund transaction, a fifteen dollar (\$15) NSF fee will be applied to the account plus any and all penalties for non-payment by the due date as described on the monthly statement. If said ACH payment results in three or more non-sufficient fund transactions within a twelve month calendar year, I will loose all privileges of the ACH payment service offered by the City of Brazil Utilities.

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Approved: \_\_\_\_\_ Date \_\_\_\_\_

Attach voided check here



## TEMPORARY SUSPENSION OF AUTOMATIC PAYMENT (ACH Payment)

- ☐ Customer Request  
☐ Request because of an erroneously large monthly balance due to equipment failure

Account Number:
Customer Name (as listed on account):
Service Address:
Bank Name:
Routing (ABA) Number:
Account Number:

I, \_\_\_\_\_ further understand

- I understand temporary suspension of the automatic payment from my account must be given at least one week prior to the date of the withdrawal as described in Section One, Subsection E of Ordinance 31-2006.
- I further understand that I may only request at most two temporary suspensions of automatic payment within a twelve month calendar year. This restriction; however, does not apply to erroneous large payments due to an equipment failure and the customer is expected to apply for an adjustment with the City of Brazil Utilities.
- I further understand payment is expected by the due date as prescribed on the monthly utility account statement; otherwise, I will be responsible for any and all penalties
- This suspension is only good for one month. ACH Payments will automatically start on the eighth day of the following month of this request. Customers must apply each month for temporary suspension.

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Approved: \_\_\_\_\_ Date \_\_\_\_\_

*For Office Use Only*

TEMPORARY SUSPENSION ONE	TEMPORARY SUSPENSION TWO
Service Month	Service Month
Date Submitted	Date Submitted



## PERMANENT SUSPENSION OF AUTOMATIC PAYMENT (ACH Payment)

Account Number:
Customer Name (as listed on account):
Service Address:
Bank Name:
Routing (ABA) Number:
Account Number:

I, \_\_\_\_\_ further understand

- I understand permanent suspension of the automatic payment from my account must be given at least one week prior to the date of the withdrawal as described in Section One, Subsection F of Ordinance 31-2006.
- I further understand this request is a permanent suspension and I must re-apply for the ACH Payment service to participate at a later date.
- I further understand payment is expected by the due dated as prescribed on the monthly utility account statement; otherwise, I will be responsible for any and all penalties
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Signed: \_\_\_\_\_ Date \_\_\_\_\_

Approved: \_\_\_\_\_ Date \_\_\_\_\_